

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10258 of 2007

09.7.2007

Between:

Syed Khursheed Hussain, S/o.Mir Dilawar Ali

... Petitioner

ANdD

The District Collector, Ranga Reddy District, Khairatabad, Hyderabad

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10258 of 2007

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, The Tahsildar, Hayathnagar, in not furnishing the particulars, relevant documents and notice as well as provision of the Act as illegal, arbitrary and violative of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (RoR Act, for brevity), Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (Tenancy Act, for brevity) and Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (Inams Abolition Act, for brevity).

The long and short of the case of the petitioner is that his father, Mir Dilawar Ali, was allegedly owner of land admeasuring Acs.15.39 gts in survey Nos.30 to 36 situated at Taramathipet village of Hayathnagar Tahsil in Ranga Reddy District. According to the petitioner, his name appeared in the revenue records. The property was inherited by him from his father. It is alleged that the petitioner and his brothers are entitled to 1/3rd share each, as their sisters relinquished their rights over the property. The petitioner and his brothers partitioned the property and their names were also entered in the revenue records. It appears that the brother of the petitioner alienated 1/3rd of his share in favour of Syed Imdad Hussain and delivered possession. There are no tenants on the land and the earlier tenants surrendered their rights in favour of the landholders. However, some of the persons claiming themselves to be tenants initiated action before the second respondent in file No.B/1997 of 1996. The second respondent without disclosing the name of the claimant or provision under which he initiated action, is going ahead with the applications filed by the alleged tenants. After coming to know about this, petitioner filed objections also informing that there is already an enquiry in file No.B.3052/1973 and the same may be called for, in vain. On

23.4.2007, petitioner along with his Counsel appeared before the second respondent and requested to furnish the particulars of the proceedings under Tenancy Act, RoR Act and Inams Abolition Act and against whom, the proceedings were initiated. The particulars were not furnished. Therefore, the present writ petition is filed.

After reading the affidavit accompanying the writ petition and hearing the learned Counsel for the petitioner, it transpires some of the persons claiming themselves to be tenants approached the Tahsildar, presumably under the Tenancy Act. If such application is enquired into, the petitioner can always object to by denying the plea, which he has taken before this Court, namely, that there are no tenants and the earlier tenants surrendered their rights in favour of the landholders. Even if the petitioner faced adverse order, the remedy is to file appeal before the Joint Collector and filing of writ petition is not proper remedy. However, this Court observes that the second respondent may consider the application dated 23.4.2007 and pass necessary orders. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

July 09, 2007

YS